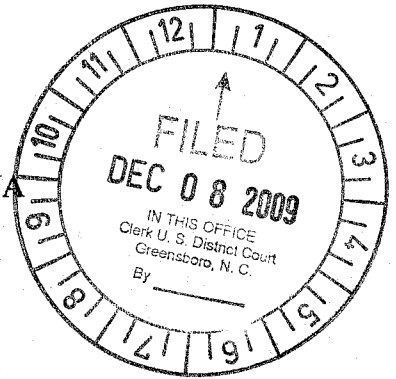


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



Juan Carlos PERAZA,

(Your Name)

Plaintiff,

v.

Bank of America

Defendant(s).

Civil Action No. 09 CV 936
(to be assigned by the Clerk)

I. JURISDICTION

II. PARTIES

A. Plaintiff

Name of Plaintiff:

Juan Carlos PERAZA

Address:

1828 Morgans mill way
High Point, NC 27265

B. Defendant(s) (**Notice:** A person must be identified in subsections B and C in order to be considered as a defendant.)

Name of Defendant:

Bank of America / MARK Noble.

Current Address:

8015 W. Kenton Grde, 3rd Floor
Huntersville, NC 28073

- C. Additional Defendants (please provide the same information for each defendant as listed in Item B above):

N/A.

III. STATEMENT OF CLAIM

(State here as briefly as possible the **FACTS** of your case. Do this by identifying the alleged legal wrong and by describing how each defendant named in Section II.B. and C. above is personally responsible for depriving you of your rights. Include relevant times, dates, and places. Also, you must state the basis for federal jurisdiction. In other words, why should the case be in federal court as opposed to state court. **DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES.** Number and set forth each separate claim in a separate paragraph.) (Attach extra sheets if necessary.)

During a New Year's Party at the Marriott Hotel, I was outside the Hotel having a conversation with two female co-workers. In front of us was a Supervisor of white race talking with a African-American employee. They came closer to us and we were able to hear their remarks about "the balls" (meaning testicles). We got silent. When another African American employee asked us "what are you doing here? You came from Indians!" the second African American employee responded "and we came from slaves... what is your problem?" the first African-American employee and the Supervisor started

Case 1:09-cv-00836-TDS-VPA Document 3 Filed 12/08/09 Page 2 of 6

III. STATEMENT OF CLAIM - continued.

So I decided to get inside the Hotel while my Co-workers remained outside.

I was not allowed to talk about my Salary with others, I should not discuss my Quality monitor Feedbacks with my Co-workers and Luisa Vargas and Maria Pujos Forced me to sign my Quality monitor Feedbacks and Counselings. Luisa Vargas Told me in different occasions that people from Latin American and Mexico are ignorants and she preferred to work with North American (anglos) because of it.

ON May 5, I fractured my hand (right hand). On Monday I went the Doctor, and I got a plaster cast. When I returned to work on Tuesday, my Computer was blocked and I was not able to log-in. When I talked to Luisa about the situation and that I had reported my injury to my insurance company, she got very angry and asked me "why did you do that?" I explained that the doctor told me about a possible surgery. Then, she screamed at me saying "Get out, GET OUT OF HERE!" I had to leave the office without to know if I was fired. I was afraid because the mother of my daughter was fighting against breast Cancer, which Luisa was aware of it. I had to support my daughter and Pay bills (I was called one week later.)

After Ron Flores was fired, I requested to move to his desk because it had a big window which could help me refresh my eyes (I suffer from dry-eyes. My eyes get very teary when I stay in front of the computer monitor for long periods of time) I was given the opportunity to move. After three days of been in my new desk I was returned to my old desk without an explanation (which was located besides Luisa's desk). Then, Luisa announced in front of all my co-workers that I was the new Mortgage Rewards Seller and Helocs, because I had the highest level in sales and for been the best in the Multicultural Department. Two days after having training, Luisa called me and said that they were not going to give me the opportunity, but she did not tell me the reason.

One day that Luisa was not at the office. During lunch time, as I was walking toward the elevator to take my lunch, I came across Tammy. Tammy told me with an intimidating tone of voice, "WE ARE WATCHING YOU; DON'T BELIEVE THAT JUST BECAUSE LUISA IS NOT HERE WE ARE NOT WATCHING YOU". I asked her if she wanted me to be afraid, she looked at me upset and continue walking. At that moment I understood that I was definitely a victim of harassment.

I had unfair treatment from Erick Wilson. On that occasion, I was walking in front of Aleina's desk (I'm not completely sure of her name) On the small board on the entrance of her cubicle, had written the Spanish word "Diablo" (meaning Devil in English) Usually, I only speak to Aleina to greet her with hello or good morning, but this time I wanted to know if she knew the meaning of that word. I asked her if she knew what "Diablo" meant, she said "yes". I told her that she did not look like a devil. She said that it was only a joke. I answered that I understood that, I was also joking, and continue walking towards the cafeteria. As I returned to my desk, Erick Wilson, Supervisor of Quality Monitors, was at Aleina's cubicle. I was seating on my desk when I saw Erick staring at me with an angry face and said something between his teeth, just moving his lips like cursing, leaning towards me. Aleina, who was inside her cubicle, put her hands on Erick's shoulders, like stopping him. To avoid any confrontations I started working. Ten minutes later, Erick walked across in front of my desk without even looking at me. I felt that the end of my job was near.

Soon after the above incident, in July, I was not given my quality monitors in the following week as usual. It was the end of the month and I was not able to review any of my Quality Monitors, so I complained with Luisa Vargas. Luisa did not believe that I have not been receiving my Quality Monitors for weeks, but she would check with Maria Pujo. Luisa sent me with Maria to get my feedback of the Quality Monitors. While reviewing them I realized that I did not reported two Quality Monitors, the first one because I took an extra five seconds to answer a client call since I was coughing because I was sick that day. The second one was because Luisa Vargas sent an e-mail to all the team members including Maria Pujo, to give a temporary number instead of the one in system PPG. I followed her instructions but when I approached Maria Pujo, she replied that she never received the e-mail. I asked them to correct my Quality Monitors even when they already turned in my scores. They send those scores to other supervisors and told me that they were going to make a change the second quality monitor. The second quality monitor was never changed. In August when I was fired, the company did not give me the right points of July and my last feedbacks. Ultimately, it was the reason why I got NO MEET quality monitors and consequently got fired. Lastly, I was treated in a discriminatory manner when I was escorted to exit the building.

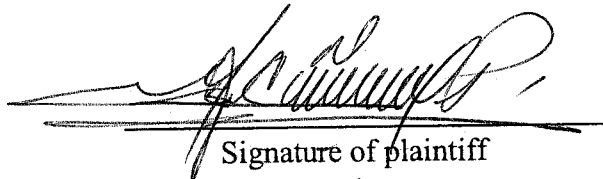
My Case should be in a Federal Court instead State Court because the Defendant (BoA) has it's headquarter in Charlotte, NC. and
+ Case 1:09-cv-00936-TDS-LPA Document 3 Filed 12/08/09 Page 4 of 6 a Federal Court

IV. RELIEF

State briefly and exactly what relief you want from this court.

Pay back and Compensatory Damages.

Signed this 8 day of December, 2009.


Signature of plaintiff

1828 Morgans mill way

Address

High Point, DC 27265

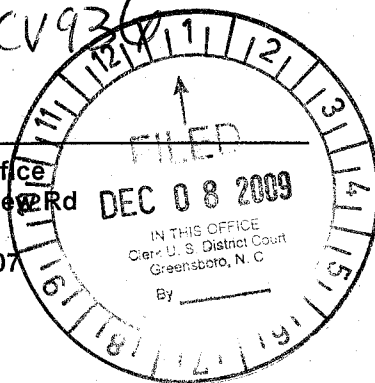
(336) 420-5998

Telephone number

DISMISSAL AND NOTICE OF RIGHTS

To: **Juan C. Peraza**
1828 Morgans Mill Way
High Point, NC 27265

From: **Greensboro Local Office**
2303 West Meadowview Rd
Suite 201
Greensboro, NC 27407



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

435-2009-00087

JOSE G. ROSENBERG,
Local Office Director

(336) 547-4080

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

JOSE G. ROSENBERG,
Local Office Director

10/09/09
 (Date Mailed)

cc:

Mark Noble
Vice President, Employee Relations Case Manager
BANK OF AMERICA
8015 W. Kenton Circle, 3rd Floor
Huntersville, NC 28078